

1 PETER D. KEISLER
 Assistant Attorney General, Civil Division
 2 CARL J. NICHOLS
 Deputy Assistant Attorney General
 3 DOUGLAS N. LETTER
 Terrorism Litigation Counsel
 4 JOSEPH H. HUNT
 Director, Federal Programs Branch
 5 ANTHONY J. COPPOLINO
 Special Litigation Counsel
 6 RUPA BHATTACHARYYA
 Senior Trial Counsel
 7 ANDREW H. TANNENBAUM
 Trial Attorney
 8 Email: tony.coppolino@usdoj.gov
 U.S. Department of Justice
 9 Civil Division, Federal Programs Branch
 20 Massachusetts Avenue, NW, Rm. 6102
 10 Washington, D.C. 20001
 Phone: (202) 514-4782
 11 Fax: (202) 616-8460
Attorneys for the United States of America and
 12 *the Federal Defendants in their Official Capacities*

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16	IN RE NATIONAL SECURITY AGENCY	)	No. M:06-cv-01791-VRW
17	TELECOMMUNICATIONS RECORDS	)	DEFENDANTS' NOTICE OF
18	LITIGATION	)	LODGING OF <i>IN CAMERA</i>, <i>EX PARTE</i>
19		)	MATERIAL (CLASSIFIED
20		)	DECLARATION OF KEITH B.
21		)	ALEXANDER)
22	This Document Relates Only To:)	
23	<i>Shubert v. Bush,</i>	)	Date: August 30, 2007
24	(Case No. 07-00693)	)	Courtroom: 6, 17th Floor
25		)	Time: 2 p.m.
26		)	Judge: Hon. Vaughn R. Walker

27 The United States and official capacity Defendants, through their undersigned counsel,
 28 hereby provide notice of the submission, for the Court's *in camera*, *ex parte* consideration, of the
 following materials in support of the United States' assertion of the military and state secrets
 privilege and the Defendants' Motion to Dismiss or, in the Alternative, For Summary Judgment:

A classified Declaration of Lieutenant General Keith B. Alexander, Director, National

MDL No. M:06-CV-01791-VRW and *Shubert v. Bush* (07-CV-00693-VRW) – DEFENDANTS' NOTICE OF
 LODGING OF *IN CAMERA*, *EX PARTE* CLASSIFIED DECLARATION OF KEITH B. ALEXANDER,
 DIRECTOR, NATIONAL SECURITY AGENCY

Security Agency.¹

DATED: May 25, 2007

Respectfully Submitted,

PETER D. KEISLER
Assistant Attorney General, Civil Division

CARL J. NICHOLS
Deputy Assistant Attorney General

DOUGLAS N. LETTER
Terrorism Litigation Counsel

JOSEPH H. HUNT
Director, Federal Programs Branch

/s/ Anthony J. Coppolino
ANTHONY J. COPPOLINO
Special Litigation Counsel

/s/ Rupa Bhattacharyya
RUPA BHATTACHARYYA
Senior Trial Counsel

/s/ Andrew H. Tannenbaum
ANDREW H. TANNENBAUM
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, D.C. 20001
Phone: (202) 514-4782 — Fax: (202) 616-8460
Email: tony.coppolino@usdoj.gov

¹ An unclassified declaration of Lieutenant General Keith B. Alexander, Director, National Security Agency, has been filed on the public record.